



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

DEC 16 2013

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-084

**FOR SETTLEMENT PURPOSES ONLY / PRIVILEGED AND CONFIDENTIAL  
COMMUNICATION – SENT BY CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Mr. Darin Hargraves  
Director  
Maintenance & Operations  
Anchorage School District  
1301 Labar Street  
Anchorage, Alaska 99515-3517

Re: Notice of Intent to File an Administrative Complaint for Violation of the Toxic Substances Control Act and Opportunity to Confer Prior to Filing

Dear Mr. Hargraves:

The U.S. Environmental Protection Agency ("EPA") has documented a violation of the federal requirements of the Toxic Substances Control Act ("TSCA") that apply to management of polychlorinated biphenyls ("PCBs") at the Anchorage School District facility located at 1301 Labar Street, Anchorage, Alaska. The purpose of this notice is to inform you that EPA is prepared to initiate an enforcement action for the violation and to offer you the opportunity to discuss this matter with EPA prior to the filing of a complaint.

Section 16(a) of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. Part 19 authorize EPA to assess administrative penalties for violations of Section 6 of TSCA of up to \$37,500 per day for each violation. EPA uses the factors spelled out in Section 16 of TSCA, along with the *Polychlorinated Biphenyls Penalty Policy* ("PCB Penalty Policy") and the *Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule*, to determine the amount of penalty it will seek in TSCA enforcement actions. It is EPA's view that a total penalty of \$1,420 is an appropriate settlement amount to resolve the alleged violation.

A Summary of the Alleged Violation and Proposed Penalty, which provides information about EPA's allegations in this matter as well as an explanation of EPA's proposed penalty, is enclosed, along with copies of the PCB Penalty Policy and the *Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule*.

In general, EPA seeks an expeditious settlement of matters such as this, where there are no remedial actions that can be taken to correct the violation. Accordingly, EPA is offering you the opportunity to resolve the cited violation by signing and returning the attached administrative consent agreement and final order ("CAFO") to EPA **within 30 days of your receipt of this offer**. The CAFO specifies the

terms of settlement that EPA is willing to accept to resolve this violation, including a 15 percent reduction in the proposed penalty amount, to \$1,200.

If you accept the proposed terms of settlement, please sign the CAFO and send it to:

Kris Leefers  
Office of Regional Counsel  
EPA Region 10, ORC-158  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

If you return the signed CAFO within the time allotted, EPA will co-sign the consent agreement and issue the final order that assesses the agreed penalty. Once the CAFO is filed, EPA generally issues a press release announcing the settlement. If you choose not to accept the offer, EPA reserves the right to seek the maximum allowable penalty at law in litigation of this case.

If Anchorage School District and EPA do not reach a settlement **within 30 days of your receipt of this offer**, EPA will file an administrative complaint, and the case will be assigned to an administrative law judge.

If you wish to schedule a meeting to discuss this matter, please contact Kris Leefers in the Office of Regional Counsel at (206) 553-1532 **within 14 days of this offer**. EPA is willing to meet with you at our Seattle office or by conference call.

Thank you for your prompt attention to this important matter.

Sincerely,



Kelly McFadden, Manager  
Pesticides and Toxics Unit

Enclosures:

1. Summary of the Alleged Violation and Proposed Penalty
2. PCB Penalty Policy
3. *Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Monetary Penalty Inflation Adjustment Rule*
4. Consent Agreement and Final Order

cc: Kris Leefers  
Office of Regional Counsel